

EDMUND G. BROWN JR., Attorney General  
of the State of California  
WILBERT E. BENNETT  
Supervising Deputy Attorney General  
CLAUDIA H. PHILLIPS, State Bar No. 202645  
Deputy Attorney General  
1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2221  
Facsimile: (510) 622-2270

Attorneys for Complainant

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-128

**SHIRLEY DAGDAG MONREAL,**  
A.K.A. SHIRLEY UY DAGDAG  
3061 Monroe Street  
Santa Clara, California 95051

**A C C U S A T I O N**

Registered Nurse License No. 492705

Respondent.

Complainant alleges:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about August 31, 1993, the Board of Registered Nursing issued Registered Nurse License Number 492705 to Shirley Dagdag Monreal, a.k.a. Shirley Uy Dagdag, (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2009, unless renewed.

**JURISDICTION**

3. This Accusation is brought before the Board of Registered Nursing

(Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

### STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct....

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1                   9.       California Code of Regulations, Title 16, section 1444, states, in pertinent  
2 part:

3                   "A conviction or act shall be considered to be substantially related to the  
4 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
5 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
6 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the  
7 following:

8                   "(a) Assaultive or abusive conduct including, but not limited to, those violations  
9 listed in subdivision (d) of Penal Code Section 11160."

10                                   FIRST CAUSE FOR DISCIPLINE

11                                   (Conviction of a Substantially Related Crime)

12                   10.       Respondent is subject to disciplinary action under sections 2761(f) and  
13 490 in that she was convicted of a crime substantially related to the duties, qualifications and  
14 functions of a registered nurse, as defined in Title 16, California Code of Regulations, section  
15 1444. The circumstances are set forth in paragraphs 11, 12, and 13, below.

16                   11.       On or about March 10, 2008, in *People v. Shirley Dagdag Monreal*, Santa  
17 Clara County Superior Court Case No. CC768576, Respondent was convicted by a plea of no  
18 contest of violating Penal Code section 242-243(e)-Battery on Spouse, a misdemeanor.  
19 Imposition of sentence was suspended and Respondent was placed on three years of formal  
20 probation. The offense occurred in Santa Clara on or about June 3, 2007 when Respondent  
21 assaulted her husband after he refused to give Respondent money to support her gambling habit.

22                   12.       On or about August 2, 2004, in *People v. Shirley Dagdag Monreal*, Santa  
23 Clara County Superior Court Case No. CC440517, Respondent was convicted by a plea of no  
24 contest of violating Penal Code section 524-Attempt to Extort Money by Means of Threat, a  
25 misdemeanor. Imposition of sentence was suspended and Respondent was placed on two years  
26 of court probation. The offense occurred in Santa Clara on or about December 15, 2003 when  
27 Respondent slashed the tires and stole the license plate on her husband's car when he denied her  
28 request for money.

1                   13.     On or about September 12, 2002, in *People v. Shirley Dagdag Monreal*,  
2 Santa Clara County Superior Court Case No. EE222314, Respondent was convicted of violating  
3 Penal Code section 415(1)-Fighting in a Public Place, a misdemeanor. Imposition of sentence  
4 was suspended and Respondent was placed on three years of probation and ordered not to harass  
5 or annoy her husband. The offense occurred in Sunnyvale on or about July 2, 2002 when  
6 Respondent assaulted her husband and a bystander.

7                                   SECOND CAUSE FOR DISCIPLINE

8   (Unprofessional Conduct)

9                   14.     Respondent is subject to disciplinary action under section 2761(a) in that  
10 she engaged in unprofessional conduct when she committed assaultive and/or threatening  
11 behavior. The circumstances are set forth in paragraphs 11, 12, and 13, above.

12                                   DISCIPLINE CONSIDERATIONS

13                   15.     To determine the degree of discipline, if any, to be imposed on  
14 Respondent, Complainant alleges that on or about November 14, 2002, Respondent was arrested  
15 in Santa Clara Police Department Case No. 0212717 for violating Penal Code sections 664/271-  
16 Attempted Desertion of a Child Under 14 with the Intent to Abandon, a felony, and 273a(a)-  
17 Willful Harm or Injury to a Child, a felony, when she attempted to leave her seven year old son  
18 with a 7-Eleven store clerk they did not know. Respondent was later acquitted of violating Penal  
19 Code section 273a(b)-Child Endangerment By Person With Care or Custody Where Great Bodily  
20 Injury or Death is not Likely, a misdemeanor, on or about July 2, 2003, in a criminal proceeding  
21 entitled *People v. Shirley Dagdag Monreal*, Santa Clara County Superior Court Case No.  
22 CC268394. The record of the criminal proceeding is incorporated as if fully set forth.

23                   16.     To determine the degree of discipline, if any, to be imposed on  
24 Respondent, Complainant alleges that on or about November 10, 2002, Respondent was arrested  
25 in Santa Clara Police Department Case No. 0212563 for violating Penal Code sections 273.5(a)-  
26 Willful Infliction of Corporal Injury Upon a Spouse, a felony, and 273.6(b)-Intentional and  
27 Knowing Violation of a Court Order to Prevent Harassment, Disturbing the Peace, or Threats or  
28 Acts of Violence, a misdemeanor, when she assaulted her husband during an argument and again

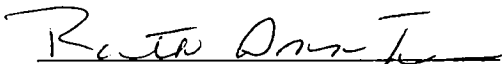
1 while he was calling 911. On or about June 1, 2003, the Santa Clara's District Attorney's Office  
2 in a criminal proceeding entitled *People v. Shirley Dagdag Monreal*, Santa Clara County  
3 Superior Court Case No. CC269372, dismissed the charges of Penal Code sections 273.5(a)-  
4 Willful Infliction of Corporal Injury Upon a Spouse, a misdemeanor, and 242-243(e)-Battery on  
5 Spouse, a misdemeanor, against Respondent. The record of the criminal proceeding is  
6 incorporated as if fully set forth.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 492705, issued  
11 to Shirley Dagdag Monreal, a.k.a. Shirley Uy Dagdag.  
12 2. Ordering Shirley Dagdag Monreal, a.k.a. Shirley Uy Dagdag, to pay the  
13 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this  
14 case, pursuant to Business and Professions Code section 125.3;  
15 3. Taking such other and further action as deemed necessary and proper.  
16

17 DATED: 11/26/08  
18

19   
20 RUTH ANN TERRY, M.P.H., R.N.  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant  
26  
27  
28

SF2008402555